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I hereby certify that this Response to Restriction Requirement was transmitted via facsimile transmission to the Assistant Commissioner for Patents, via facsimile number (703) 872-9306, on this 30th day of January, 2003.

Karen K. Varley
Karen K. Varley

January 30, 2003
Date

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GROUP 1600

OFFICIAL

TO: Assistant Commissioner for Patents
FROM: Karen K. Varley, Registration No. 45,751
RE: U.S. Patent Application No. 09/905,558; Attorney Docket No. 1016
Title: ZmAxig1 Polynucleotides and Methods of Use
DATE: January 30, 2003 FAX NUMBER: (703) 872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 2

COMMENTS:

Attached: Supplemental Response to Restriction Requirement / 2 pages

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Response
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Karen K. Varley
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January 30, 2003
(Date)

Docket No. 1016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carl W. Garnaat

Date: January 30, 2003

Serial No.: 09/905,558

Group Art Unit: 1638

Filed: July 13, 2001

Examiner: M. Ibrahim

For: ZmAxig1 Polynucleotides and Methods of Use

Assistant Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the communication mailed January 9, 2003, in which the Examiner correctly pointed out that Applicants' October 24, 2002, reply to the Restriction Requirement of September 25, 2002, was incomplete. Applicants apologize for the oversight and thank the Examiner for the opportunity to properly respond.

The Applicants have previously elected, with traverse, to prosecute the claims of Group III (Claims 15-32), and have expressly reserved the right to file divisional applications or take such other appropriate measures deemed necessary to protect the remaining claims.

The Examiner has further required election of one of inventions (C) – (F), where (C) is SEQ ID NO:3; (D) is SEQ ID NO: 4; (E) is SEQ ID NO: 5; and (F) is SEQ ID NO: 16. The Applicants maintain their traversal as stated in the response of October 24, 2002, but provisionally elect (F), SEQ ID NO: 16.

The Examiner further required the Applicants to elect a single primer. Applicants have respectfully traversed this requirement and provisionally elected SEQ ID NO: 10.

Serial No.: 09/905,558
Group Art Unit: 1638

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned agent so that further examination of this application can be expedited.

It is not believed that an extension of time is required. However, in the event that extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-1852.

Respectfully submitted,

Karen K. Varley
Karen K. Varley
Agent for Applicant(s)
Registration No. 45,751

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